

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

**ORUCH LOWENBEIN, on behalf of himself and all
others similarly situated,**

Plaintiff,

-vs-

ANSWER

Civil No. 11-CV-1149

NORTHSTAR LOCATION SERVICES, LLC,

Defendant.

Defendant, Northstar Location Services, LLC, by its attorneys, Hiscock & Barclay, LLP,
as and for its Answer to the Complaint of plaintiff, alleges as follows:

INTRODUCTION

1. Denies the allegations contained in Paragraph 1 of the Complaint.

PARTIES

2. Denies knowledge or information sufficient to form a belief as to the truth of the
allegations contained in Paragraph 2 of the Complaint.

3. The allegations contained in the Paragraph 3 are legal conclusions to which no
response is required. To the extent a response is required, Defendant denies knowledge or
information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3
of the Complaint.

4. Admits the allegations contained in Paragraph 4 of the Complaint.

5. Admits the allegations contained in Paragraph 5 of the Complaint.

6. The allegations contained in the Paragraph 6 are legal conclusions to which no
response is required. To the extent a response is required, Defendant denies knowledge or

information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Complaint.

JURISDICTION AND VENUE

7. The allegations contained in the Paragraph 7 are legal conclusions to which no response is required. To the extent a response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Complaint.

8. The allegations contained in the Paragraph 8 are legal conclusions to which no response is required. To the extent a response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint.

ALLEGATIONS PARTICULAR TO ORUCH LOWENBEIN

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Complaint.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Complaint.

12. Denies the allegations contained in Paragraph 12 of the Complaint.

JURISDICTION & VENUE

Violations of the Fair Debt Collection Practices Act brought by plaintiff on behalf of himself and the members of a class, as against the defendant.

13. Repeats and realleges its respective responses to those paragraphs repeated and realleged in Paragraph 13 of the Complaint.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint.

15. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Complaint.

17. Denies the allegations contained in the Paragraphs 17, 17(A), 17(B), 17(C), 17(D) and 17(E) of the Complaint.

18. Denies the allegations contained in Paragraph 18 of the Complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Complaint.

20. The allegations contained in the Paragraph 20 are legal conclusions to which no response is required. To the extent a response is required, Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

21. Denies the allegations contained in Paragraph 21 of the Complaint.

22. Denies the allegations contained in Paragraph 22 of the Complaint.

23. Denies each and every other allegation contained in said Complaint not herein before admitted, denied, or otherwise controverted.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

24. The Complaint is barred by the doctrines of *res judicata* and or collateral estoppel.

SECOND AFFIRMATIVE DEFENSE

25. With respect to Plaintiff's allegations in the Complaint, any violations alleged by the Plaintiff were not intentional and resulted from a *bona fide* error notwithstanding the maintenance of procedures reasonable adapted to avoid any such error.

THIRD AFFIRMATIVE DEFENSE

26. No actions/inactions by Defendant or its employees, agents and/or representatives, were the actual, proximate or legal cause of any of Plaintiff's alleged damages or injuries.

FOURTH AFFIRMATIVE DEFENSE

27. The Complaint fails to state a claim upon which relief can be granted.

FIFTH AFFIRMATIVE DEFENSE

28. Plaintiff, upon information and belief, has brought this action against Northstar Location Services, LLC, in bad faith and for the purposes of harassment, in violation of 15 U.S.C. 1692(k).

29. Defendant reserves the right to amend other defenses which may become apparent through the course of discovery of this case.

SIXTH AFFIRMATIVE DEFENSE

30. Any damages and claims asserted by the Plaintiff are barred or circumscribed by 15 USC 1692k.

WHEREFORE, Defendant respectfully requests that the Court: (i) enter judgment in its favor; (ii) dismiss the plaintiff's Complaint against it; (iii) award Defendant's attorneys' fees and costs; and (iv) grant such other and further relief as the Court deems just and proper.

DATED: June 30, 2011

HISCOCK & BARCLAY, LLP

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